The School Question in the New Provinces

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INTRODUCTORY NOTE.

The following article on the Territorial School Question which appeared in the issues of the Free Press dated August 31 and September 4 and 5, was hurriedly prepared at the solicitation of friends who wished to learn my views respecting the more important phases of a subject that is of general interest to the people of Alberta and Saskatchewan. It is here reproduced in pamphlet form with certain minor alterations. While no attempt has been made to treat the subject exhaustively, it is hoped that the information contained in the following pages will tend to a clearer understanding of our present system and the need for continuing and improving it.

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PURPOSE OF ARTICLE

In preparing the following statement regarding what is commonly termed "The School Question" in the Provinces of Saskatchewan and Alberta, the writer has the following objects in view. He wishes to set forth as briefly as possible and in as plain language as possible the chief considerations and circumstances which induced the Federal Parliament to make provision in our provincial constitutions for the continuation of the existing school system. He also desires to explain fully and clearly the true nature of the few minority schools which have been organized under this system. And in closing he wishes to pointedly set forth the chief points at issue in this discussion between the Liberal and Conservative parties. The various problems which have to be considered and carefully and thoughtfully weighed by the people of the two new provinces in connection with this so-called school question may readily be grouped under three headings, viz., the constitutional issue, the practical issue, and the political issue. Each of these will be discussed in turn.

PART I.

THE CONSTITUTIONAL ISSUE

Exclusive Provincial Powers.

To clear the atmosphere it may be well to state at once that there is a very erroneous idea abroad that each of the provinces of the Dominion should have the right and authority to do very much as it pleases. This is a mistaken idea and one that gives rise to much confusion. It should be remembered that when four of the original provinces of Canada agreed to unite in a confederation it was on the distinct and express understanding that the powers and authorities of the Federal Parliament and the Provincial Legislatures should be clearly and definitely stated. This was done by sections 91, 92 and 93 of the B.N.A. act. Just here we are not particularly concerned with the powers of the Dominion, which are set forth in section 91. We are, however, much concerned with the powers of the Provinces, which are stated in sections 92 and 93.

Section 92 of the B.N.A. act is as follows:

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. In each province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:

(1) The amendment from time to time, notwithstanding anything in this Act, of the constitution of the province, except as regards the office of the lieutenant-governor.

(2) Direct taxation within the province in order to the raising of a revenue for provincial purposes.

(3) The borrowing of money on the sole credit of the province.

(4) The establishment and tenure of provincial offices and the appointment and payment of provincial officers.

(5) The management and sale of the public lands belonging to the province and the timber and wood thereon.

(6) The establishment, maintenance and management of public reformatory prisons in and for the province.

(7) The establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the province, other than marine hospitals.

(8) Municipal institutions in the province.

(9) Shop, saloon, tavern, auctioneer and other licenses in order to the raising of a revenue for provincial, local or municipal purposes.

(10) Local works and undertakings other than such as are of the following classes: (The classes over which the Federal Parliament has control are here enumerated.)

(11) The incorporation of companies with provincial objects.

(12) The solemnization of marriage in the province.

(13) Property and civil rights in the province.

(14) The administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in these courts.

(15) The imposition of punishment, by fine, penalty or imprisonment, for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section.

(16) Generally all matters of a merely local or private nature in the province.

It will be noted that this section gives in detail the various matters over which Provincial Legislatures have exclusive authority to make laws. And it may be stated that with the possible exception of clause 5, relating to lands, the Legislatures of Saskatchewan and Alberta have identically the same powers as every other Province with respect to every one of the subjects mentioned. As regards clause 5, it should be remembered that at the very commencement of the Autonomy negotiations the Dominion Government admitted that the new Provinces were entitled to their lands, minerals and timber. The question then arose as to whether in the interests of the Provinces themselves, as well as in the interests of Canada as a whole, it would be advisable to hand over these resources to the Provincial authorities. The Dominion Government decided, as was done by Sir John Macdonald in the case of Manitoba, that the wisest and safest course to pursue, was to continue in force the policy which heretofore prevailed. This decision having been reached—with the approval of all the Western Liberal members of Parliament—negotiations were carried on with a view to ascertaining the terms and conditions upon which the Provinces of Saskatchewan and Alberta would relinquish their rights. As a result we have the provision in the Autonomy act, which sets forth the annual subsidies which are to be paid to these Provinces forever in lieu of lands. That the bargain was a good one is fully demonstrated by the following passage taken from an open letter addressed by Mr. Haultain to Sir Wilfrid Laurier. He admitted "that an immediate income, increasing with population, and certain in amount, may in the long run prove quite as satisfactory as any probable net income resulting from local administration of the public domain."

Restricted Provincial Powers.

We now come to section 93 of the B.N.A. act, with which we are more particularly concerned in this discussion. This section is as follows:

93. In and for each province, the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools, which any class of persons have by law in the province at the union.

(2) All the powers, privileges and duties at the union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

(3) Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the Legislature of the province, an appeal shall lie to the Governor-General-in-Council from any Act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

(4) In case any such provincial law as from time to time seems to the Governor-General-in-Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor-General-in-Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor-General-in-Council under this section.

Before proceeding it is essential that the reader should have the very clearest understanding as to why this section was made part of the Canadian constitution. It will be remembered that during the early sixties the leading public men in Canada—for reasons which need not be explained here—began to agitate in favor of a federal union of all the colonies in British North America. In due course this agitation took firm root and was very generally approved by all classes of the community. Eventually a conference was held at Quebec City for the purpose of considering and deciding the terms and conditions upon which a Federal union could be brought about. As might be expected the most difficult question the conference had to deal with was that pertaining to the powers which were to be given to the Federal and Provincial Parliaments respectively. When the matter of schools was reached it was soon recognized that the union could not be arranged for if each of the Provinces was to have exclusive power to make laws in relation to education. In the case of Lower Canada (Quebec), where the bulk of the population was French Roman Catholic, the English-speaking representatives at the conference insisted upon being definitely protected for all time as regards their right to establish separate Protestant schools. In Upper Canada, where the religious population was reversed, the Roman Catholic representatives insisted upon having the same privilege. As a result of the discussion which then took place the conference agreed to the following resolution:

"The local legislatures shall have power to make laws respecting education; saving the rights and privileges which the Protestant or Roman Catholic minority in both Canadas may possess as to their denominational schools at the time when the union goes into operation."

Subsequently Mr. Galt in behalf of Quebec Protestants raised further objections and as a result the provision regarding minority rights was broadened and made to apply, not only to the four Provinces then entering confederation, but to all other Provinces as well, that might subsequently come in. That such was the case is clearly indicated by the wording of section 93, which, by the provisions of section 146 of the B.N.A. act, was made applicable to all new Provinces entering Canada. This intention is also shown by the following statement made in explanation of section 93 by Lord Carnarvon in the British Parliament when the bill was under discussion:

"The object of the clause is to secure to the religious minority of one province the same rights, privileges and protection which the religious minority of another province may enjoy. The Roman Catholic minority of Upper Canada, the Protestant minority of Lower Canada and the Roman Catholic minority of the Maritime provinces will thus stand on a footing of entire equality. The 93rd clause after a long controversy at which the views of all parties has been expressed, has been framed to place all these minorities of whatever religion on precisely the same footing, and that whether the minorities were in esse or in posse."

Such briefly is the history of this section. The protection it gave was first insisted upon by the Protestant minority of Quebec. Finally it was adopted as a compromise by the representatives of the two chief religious bodies concerned. Without its protection the Confederation of Canada would have been an impossibility. This was fully recognized and in order to procure the union the principle of safeguarding minority rights and privileges in all parts of Canada was agreed upon.

If the reader will glance again at sections 92 and 93 he will observe that they deal with all matters which come within the jurisdiction of the Provincial Legislatures. And here the question arises as to why a separate section was required for the subject of education. As a matter of fact was it the intention of the Fathers of Confederation and the British Parliament that every Provincial Legislature should have exclusive power to make laws regarding education? Clearly it was not. In the case of the four Provinces that originally came into the union the act provides that,—"in and for each Province the Legislature may exclusively make laws in relation to education SUBJECT AND ACCORDING TO THE FOLLOWING PROVISIONS"—and then the provisions and restrictions are set forth as above. Could language be plainer? In the case of section 92 it is clearly indicated that each Province has full authority without any restrictions to make laws regarding all the matters enumerated.

But in the case of section 93 the powers of the Provinces as regards education are abridged and restricted. And it will be noted that these restrictions are for one set purpose which is very clearly indicated, namely, to preserve intact the rights and privileges of minority or separate school supporters which they had by law at the time of the union.

The P.E.I. and B.C. Precedents.

As regards the admission of other colonies (Prince Edward Island and British Columbia) into the federal union section 146 of the B. N. A. Act provides: "It shall be lawful for the Queen * * * to admit those colonies or Provinces * * * into the union on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, SUBJECT TO THE PROVISIONS OF THIS ACT." Again it may be asked, can there be any question as to what the intention of the Fathers of Confederation was? Should we be asked to assume so far as P. E. I. and B. C. are concerned that they were given rights and powers to make laws regarding education that were not enjoyed by the four original Provinces? Clearly not. In the case of these two Provinces there can be no question but that section 93 of the B. N. A. Act with all its restrictions became part of their Provincial constitutions. In other words these Provinces were given exclusive authority to make laws in relation to education subject to the provision that such laws should not prejudicially affect any right or privilege which minority or separate school supporters actually enjoyed by law at the time the Provinces entered the union. In the case of these two Provinces it so happened that at the very time they became part of the Dominion no separate schools existed, nor were there any laws in force granting any privileges to separate school supporters. Had such schools, however, been in existence by law there can be no doubt but that under the provisions of section 93 of the B. N. A. Act such schools would have been continued by the constitutions of these Provinces.

The Manitoba Precedent.

Coming now to the case of Manitoba it will be found that a new set of conditions prevailed. Before its organization as a province Manitoba was part of what was known as Rupert's Land—a vast stretch of country including roughly all lands drained into Hudson's Bay. The government of this country for nearly two centuries was in the hands of the Hudson's Bay Co. and its officers. There were no laws and no institutions such as are provided now by the Provinces. While the main body of the English civil and criminal law was in force there was no local legislative power in existence. Consequently, so far as education is concerned, there was not, nor could there be, at the time Manitoba was organized as a Province any schools in existence by operation of any law nor could minority or separate school supporters have acquired or enjoyed any rights or privileges by law. As might be expected this condition was clearly recognized by the government of Sir John Macdonald in 1870 (some three years after Confederation) when the Manitoba Act was passed by the Federal Parliament. And in order to show that the Government and Parliament of Canada at that time had every intention of preserving to separate school supporters the same rights and privileges as were enjoyed by them in all other parts of Canada it was provided in the Manitoba Act that the Provincial Legislature could exclusively make laws in relation to education subject to the provision that such laws were not to interfere with nor prejudicially affect any right or privilege which separate school supporters had acquired by law OR PRACTICE. In other words the constitution of Manitoba in this respect was identical with that of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia with the exception that the words "or practice" were inserted. And why were these words inserted? Surely for some purpose. It is not reasonable to suppose that as no school system existed at the time BY LAW in Manitoba it was the plain intention of Parliament to carry out the general scheme of Confederation and preserve to separate school supporters such privileges as they had and could only have "by practice." There can be no doubt about this. The statute speaks for itself. And more than that it should be remembered that this provision passed through both Houses of Parliament without any discussion. At that time just a few years after Confederation the Federal Parliament evidently felt that it was in duty bound to extend to separate school supporters in the Red River Valley the same rights as were enjoyed by their fellow Canadians in all other Provinces. That such was the case is shown further from the following statement taken from a speech made by Mr. Haultain in the Legislative Assembly on May 2, 1900. He said:

"Now I will go back a little to the earlier history of this country, and show what was actually stated by the representatives of the people of Canada to the people of this country who were here before it was taken over by the Dominion, because their statements will have an important bearing on our subject, as they put not only the people who were here BUT THOSE WHO CAME AFTER THEM in the position of having certain claims founded upon promises made at the time this country was acquired. I refer to a letter written by the Hon. Joseph Howe, the secretary of state for Canada, on December 4, 1869. It was addressed to the Very Rev. Grand Vicar Thibault, who was then receiving his instructions at Ottawa as one of the commissioners from the Dominion to the west at that time. The letter states: 'You will not fail to direct the attention of the mixed society inhabiting the cultivated borders of the Red River and

Assiniboine to the fact which comes within your knowledge and observation and is patent to all the world, that in our four provinces of the Dominion men of all origins, creeds and complexions stand upon one broad footing of perfect equality in the eye of the government and of the law, and no administration could confront the enlightened public sentiment of this country, which attempted to act in the northwest upon principles more restricted or less liberal than those which are firmly established here.'"

What is the meaning of these words? Do they mean that the Commissioner who was to have a conference with the people of the Red River valley, was to tell them that only public schools would be provided for in the forthcoming constitution? Was he to intimate to our then mixed community, with the French Roman Catholic natives in the majority, that the privileges which only two years previously had been granted to all separate school supporters in Ontario, Quebec, Nova Scotia and New Brunswick were to be withheld from them? Or do they mean just what they state, viz., that he was to tell these people that the constitution that would be given them would be based upon broad principles not less restricted nor less liberal than in the case of the four Provinces that came into the Union? Surely such is the only fair inference to be drawn. And as Mr. Haultain has truly stated, this message from the Hon. Joseph Howe has an important bearing on the questions now at issue, as they put not only the people who were here but those who came after them in the position of having certain claims founded on promises made at the time the country was acquired.

A brief reference to the decision of the Privy Council in the Manitoba School Case will not be out of place here. It will be remembered that the Legislature of the Province passed a Public School Act, which did away with separate schools, or rather it took away the control of such schools from the Roman Catholic section of the Board of Education, and required that they should comply with certain conditions and regulations before they would be entitled to any grant. The Roman Catholics appealed mainly on the ground that they had enjoyed such schools BY PRACTICE before the union of Manitoba as a Province with Canada, and that as a consequence of the provision above referred to their right to such schools could not be taken away. It was held by the Privy Council that the insertion of the words "or practice" has not been effective in placing Manitoba in a different position upon this question from that occupied by the Maritime Provinces and British Columbia. Among other things the judgment of the Privy Council states:

"Such being the main provisions of the Public School Act, 1890, their lordships have to determine whether that act prejudicially affects any right or privilege with respect to denominational schools, which any class of persons had by law or practice in the province at the union. Notwithstanding the Public Schools act, 1890, Roman Catholics and members of every other religious body in Manitoba are free to establish schools throughout the province; they are free to maintain their schools by school fees or voluntary subscriptions; they are free to conduct their schools according to their own religious tenets without molestation or interference. No child is compelled to attend a public school."

In other words the Privy Council found that Roman Catholics had their own schools with accompanying privileges, but without Government grants, BY PRACTICE, before the Manitoba Act was passed. It also declared that they were entitled to continue to have such schools and privileges (but again without grants); and that the Province had no authority to do away with their schools. It further declared that the Province had power to pass a Public School Act containing provision for the control of public schools and for the payment of Government grants. It will thus be seen that while it was the intention of the Federal Parliament to grant to Separate school supporters in Manitoba the same privileges they enjoy in other parts of Canada, the wording of the Manitoba constitution was not sufficient for this purpose. No matter what the intention of Parliament was, it has been judicially decided that the words of the Act give to Separate school supporters only such privileges as they enjoyed by practice before Manitoba became a province. And a fuller review shows that the Manitoba minority in occupying now exactly the same position as regards schools, that they occupied prior to the entry of the Province into the Union, are receiving treatment identical with that enjoyed by the minority in every other Province. After joining the Union they continue to enjoy the very same rights and privileges which they possessed before, having a constitutional right to precisely these and nothing more.

With these facts before the reader he is now in a position to more clearly understand the situation so far as the Territories are concerned. It has already been shown that in the case of Ontario and Quebec the rights and privileges of Separate school supporters were fully preserved and granted by section 93 of the B. N. A. act; that in the case of Nova Scotia and New Brunswick all such rights and privileges as were provided for in the school laws of these Provinces were also continued and protected by this same section; that in the case of British Columbia and Prince Edward Island the matter was dealt with in a similar manner; and that in the case of Manitoba there is ample evidence to show that it was the intention of Parliament to protect and safeguard the rights and privileges which Separate school supporters enjoyed by practice, but which as there was no law they could not have by law.

The N.W.T. Act, 1875.

And now we come to the year 1875—eight years after Confederation—when it became necessary for the Dominion Parliament to provide a constitution for the Government of the Northwest Territories. Quite naturally the question of schools came up for consideration and the matter was fully debated in the Commons and Senate. All the difficulties and perplexities which now exist were clearly pointed out and discussed, but notwithstanding this fact the two Houses of Parliament without a division agreed to embody in the Northwest Territories Act the following provision:

Section 11.—When and so soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the lieutenant-governor, by and with the consent of the council or assembly as the case may be, shall pass all necessary ordinances in respect of education; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor: and further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

Is it not a curious fact that in view of the discussion and agitation of to-day this clause was passed by the unanimous vote of the Commons? It was supported by Sir John Macdonald, Blake, Alexander Mackenzie, Sir Alexander Campbell and by practically every leading man of both shades of politics at that time in public life excepting Hon. Geo. Brown. And in order to indicate the sentiment that then prevailed it is only necessary to quote two statements from the speeches which were made when this clause was under discussion in Parliament. Mr. Blake said:

"To found primary institutions under which we hope to see hundreds of thousands . . . . of men and families settled and flourishing, was one of the noblest undertakings that could be entered upon by any legislative body, and it was no small indication of the power and true position of this Dominion that Parliament should be engaged to-day in that important task . . . . He believed that it was essential to our obtaining a large immigration to the Northwest that WE SHOULD TELL THE PEOPLE BEFOREHAND what those rights were to be in the country in which we invited them to settle. . . . . He regarded it as essential under the circumstances of the country, and in view of the deliberations during the last few days, that a general principle should be laid down in the bill with respect to public instruction. He did believe that we ought not to introduce into that territory the heart-burnings and difficulties with which certain other portions of the Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that, as far as we could expect at present, the general character of that population would be somewhat analogous to the population of Ontario, that there should be some provision in the constitution by which they should have conferred on them the same rights and privileges in regard to religious instruction as those possessed by the people of the Province of Ontario. The principles of local self-government and the settling of the question of public instruction seemed to him ought to be the cardinal principle of the measure."

In speaking thus it should be remembered that Mr. Blake was voicing the unanimous opinion of the Commons. What do these words of his mean? Does he not say in effect that it was the duty of Parliament at that time to finally settle and determine the classes of schools we were to have for all time in this part of Canada. Does he not intimate that it was the duty of Parliament to safeguard the rights and privileges of minorities in the same manner as was done in the case of Ontario? If his words mean anything, do they not mean that then and there Parliament should tell the people BEFOREHAND—that is before the Territories were thickly settled—what their powers were to be in regard to education?

Sir Alexander Campbell, Conservative leader in the Senate, in discussing the bill, said:

"The object of the bill was to establish and perpetuate in the Northwest Territories the same system as prevailed in Ontario and Quebec, and which had worked so well in the interest of peace and harmony with the different populations of these provinces. He thought the fairer course and the better one, for all races and creeds, was to adopt the suggestion of the Government and enable the people to establish separate schools."

Can there be any doubt as to the meaning of these words? Surely not. In the opinion of the Conservative leader in the Senate it was the duty of Parliament not only to establish but TO PERPETUATE in the Territories the same system of separate schools as prevailed in Ontario and Quebec.

It is needless to dwell further on this phase of the subject. In view of the discussions which then took place in both Houses of Parliament there is ample evidence to show that it was the intention of the Federal Government to provide for a separate school system which would eventually be continued when Provinces were established in this part of Canada. It would also appear that the leading public men of the day were particularly anxious that it should be clearly understood not only by the residents of the other Provinces of Canada, but by the people who were to settle in the West as well that the decision arrived at in 1875 as regards the establishment of separate schools in the Territories was to be final and that the system of schools then provided for was to be continued.

The Stand of Western Liberals on the Constitutional Issue.

With regard to the purely constitutional question as to whether or not the Parliament of Canada had authority to provide in the Autonomy

Acts for the continuance of our present school system only a few words need be said. This question was debated in Parliament for weeks by some of the ablest constitutional lawyers in Canada. They were divided into two camps—and are still so divided. On the one side are those who firmly believe not only that Parliament had the power to deal with the question but that it was in duty bound to do so. On the other side are those who just as firmly believe that the Province in so far as education is concerned should be given only such powers—without variation—as are conferred by section 93 of the B. N. A. Act upon the other Provinces in Canada. The chief point at issue appears to be not whether section 93 should be embodied in the constitutions of the new Provinces, but what its effect would have been as regards separate schools had this been done. During the discussion on the autonomy bills Mr. Borden moved to strike out the special education clause and substitute the following therefor:

"The provisions of Section 93, B. N. A. Act, 1867, shall apply to the said province in so far as the same are applicable under the terms thereof.'

In other words, Mr. Borden proposed that the provinces should be given power "to exclusively make laws in relation to education subject to the provision that nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union."

This amendment was perfectly sound so far as it went; but the very gravest doubts existed then, and exist to-day, as to what powers to make laws in relation to education would have been conferred on the new Provinces by such a general provision. Had Mr. Borden's amendment been accepted and embodied in our constitution it must be apparent to all that there is only one way in which such doubts could be finally determined, namely, by a reference to the Privy Council. And right here it may be said that this is exactly what the Liberal members of Parliament from Western Canada wished to avoid. They believed that we had an excellent system of schools and one that was satisfactory to all classes of the community. They knew that there had not been the slightest agitation in favor of changing this system. It was also known that Mr. Haultain's Draft Bill provided for a continuation of the existing system. Under all these circumstances and in the interests of peace and harmony the Liberal members from the West thought it advisable to urge upon the government the necessity for providing in our constitution for the perpetuation of the system of schools we now have. They were particularly anxious that there should be no uncertainty as to powers of the Province to make laws in relation to education. They wanted these powers clearly and definitely defined. They wished to avoid the possibility of having the matter referred to the Privy Council for decision. That they were successful is amply demonstrated by the provision of section 17 of the autonomy acts.

Comparison of Powers of Provinces to Make School Laws.

For the purposes of comparison it is thought advisable to set out here the powers of the several Provinces to make laws in relation to education. In the case of Ontario and Quebec it is not questioned that section 93 of the B. N. A. Act provided for the continuation of separate schools, consequently they are omitted. As regards Nova Scotia, New Brunswick, Prince Edward Island and British Columbia their powers are defined as follows:

"In and for each province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:

"(1). Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have BY LAW IN THE PROVINCE AT THE UNION."

In the case of Manitoba its powers are defined in exactly similar terms except that the words "OR PRACTICE" are inserted in the last line so as to make it read * * * "which any class of persons have by law or practice in the Province at the union."

Section 17 of the Saskatchewan and Alberta acts dealing with the same matter is as follows:

"In and for the province the Legislature may exclusively make laws in relation to education subject and according to the following provision:

"(1). Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have AT THE DATE OF THE PASSING OF THIS ACT, UNDER THE TERMS OF CHAPTERS 29 AND 30 OF THE ORDINANCES OF THE NORTHWEST TERRITORIES, PASSED IN THE YEAR 1901, OR WITH RESPECT TO RELIGIOUS INSTRUCTION IN ANY PUBLIC OR SEPARATE SCHOOL AS PROVIDED FOR IN THE SAID ORDINANCES."

The Advantage Gained by Defining the "Law."

It will be observed that the only material alteration in the education clause of the B. N. A. Act as embodied in our constitution, is indicated by the words capitalized. Was there any necessity for this change? Could any harm have been done by merely repeating in our constitution, as Mr. Borden advocated, the provision which had been made in the case of Manitoba and the other Provinces of Canada? It will be remembered that in the case of the other Provinces the rights and privileges which separate school supporters had by law in the Province at the time of its union with Canada were safeguarded and continued. What then would have been the effect if the same provision had been made in the Saskatchewan and Alberta acts? Simply this, that supporters of separate schools would have contended that they had the right to continue in enjoyment of such privileges as they had

BY LAW on September 1, 1905, the date upon which Alberta and Saskatchewan entered Canada as Provinces. This is the crux of the whole question. What actual rights and privileges would they have BY LAW on that date. No one knows and no one will ever know unless the matter is decided by the Privy Council. There are those who hold that the school ordinance of 1901 is ultra vires because it infringes upon the rights of separate school supporters as guaranteed by the N. W. T. Act of 1875. Should this be the case it is easy to see where we would land if the education clause in our constitution were similar to that of Manitoba or British Columbia. It would simply result in the re-establishment of a system of clerically controlled schools such as existed prior to the passing of the School Ordinance of 1901. It was therefore for the express purpose of clearing away all doubts and of providing for the continuation of the existing system that the Western Liberal members of Parliament insisted upon defining and naming the laws in which this system was to be found and described. In other words they were not satisfied that supporters of minority schools should be guaranteed such rights and privileges as might exist BY LAW in a hazy sort of way. They naturally asked themselves, what law? and, what rights and privileges? To set the matter at rest and finally settle the question the Dominion Parliament eventually decided that it was best to substitute for the word "law" the names of the ordinances in which the law was to be found.

School Grants.

There is another provision in section 17 of the Saskatchewan and Alberta acts which will doubtless give rise to considerable discussion, namely:

"In the appropriation by the Legislature or distribution by the Government of the Provinces of any moneys for the support of schools organized and carried on in accordance with the said chapter 29, or any Act passed in amendment thereof or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29."

Briefly, what is the effect of this clause? What is its purpose? If it is conceded that Protestant and Roman Catholic minorities should have the privilege of organizing Separate schools in the manner provided by the existing school law, does it not naturally follow that these schools should be entitled to the same grants as public schools? If the three Roman Catholic and two Protestant Separate schools in the Province of Saskatchewan carry on identically the same work as the eight or nine hundred public schools in the same Province, what possible harm can be done by guaranteeing that they shall be given the same monetary assistance by the State? If it is constitutionally sound that minorities have the right to establish Separate schools does it not follow that provision should be made to pay them such grants as are necessary to enable them to maintain efficient schools? It should be carefully noted that the clause quoted above does not state that grants must be paid, nor does it provide any condition respecting the manner in which such grants shall be calculated. In these respects the Province has full authority. It may or it may not give state aid in support of schools and it is at perfect liberty to devise the schemes or plans upon which such aid shall be based. Whenever, however, the Province decides to give grants in aid of education and when it has fixed the regulations and conditions upon which such grants are to be given the Autonomy Acts provide that there shall be no discrimination in the disbursement of these grants to the minority schools, provided for by law. That this arrangement is but reasonable and fair must be acknowledged by all who are not blinded by an intense desire to indulge in constitutional quibbles. It is the arrangement which has been worked under to universal satisfaction during the past twenty years.

Haultain's Draft Bill.

A word or two here in reference to the provision of the Haultain Draft Bill, re education, will not be out of place. The section in the bill which deals with the matter is as follows:

Section 2.—On, from and after the said first day of September, 1905, the provisions of the B. N. A. Act, 1867, except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or to affect only one or more but not the whole of the Provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act, shall be applicable to the Province of (Alberta or Saskatchewan) in the same way and to the same extent as they apply to the several Provinces of Canada and as if the Province of (Alberta or Saskatchewan) had been one of the Provinces originally united by the said Act.

Memo.—This is the provision adopted on the incorporation of each of the Provinces since the Union.

Stated briefly the purpose of this clause was to embody in our Provincial constitution all the rights, powers and privileges enjoyed by the other provinces and as set forth in the B. N. A. Act. As there was no special section in this Draft Bill in relation to education it was manifestly intended that section 93 of the B.N.A. Act should become part of our constitution. This section has already been quoted in full and it has been shown that its purpose was to secure and guarantee to separate school supporters all rights and privileges which they enjoyed by law at the time their Province entered the Union. In effect Mr. Haultain asked in his Draft Bill that the same section (section 93 of the B.N.A. Act) should be made applicable to the new Provinces in the same way and to the same extent as it applies to the several Provinces of Canada and as if each of the

new Provinces had been one of the Provinces originally united by the said act. In other words, is not the position taken by Mr. Haultain as follows: He asked that when Saskatchewan and Alberta entered Canada as Provinces they should be permitted to do so on the same terms as if each of them had been one of the four Provinces originally united by the B.N.A. Act. He asked that section 93 of this act be given the same force and effect in our constitution as it had in these four Provinces subject to their varying conditions. And by doing so he asked that minority school supporters should be guaranteed all the rights and privileges which they had by law at the time of the union of Saskatchewan and Alberta as Provinces of Canada. That the practical effect of the Haultain Draft Bill was to perpetuate Separate schools—and possibly to re-establish clerically controlled Separate schools—cannot be successfully disputed. This view is held by the Minister of Justice, Mr. Monk, Mr. Bergeron, Mr. Leighton McCarthy, Mr. Sifton, Sir William Mulock, Mr. Lemieux, Mr. Belcourt and other prominent lawyers who discussed the matter at the last session of Parliament.

Summary.

In concluding this brief outline of the constitutional issue involved in the so-called school question, it is deemed advisable to summarize the various points touched on. It has been shown in the first place that the Canadian Confederation is a compromise and that a Federal Union could not have been established unless a policy of "give and take" had been adopted. In the case of the four original Provinces that came into the Union, Separate school supporters were guaranteed such rights and privileges as they then had by law. The same rights and privileges were also extended to Separate school supporters when Prince Edward Island and British Columbia joined Canada. And when Manitoba came in, as these people had no such right by law (there being no law) Parliament intended and attempted to safeguard the same rights and privileges by inserting the words "or practice" in their constitution. In the case of the Territories, Separate schools were purposely and unanimously provided for by Parliament in 1875. And when Mr. Haultain drew up his Draft Bill he was apparently convinced that the people of this country were so satisfied with the existing system, and further that there was no other course open to Parliament than to continue this system, that he asked for nothing else, but merely requested that in this respect we be placed on the same footing as all other Province in Canada.

PART II.

THE PRACTICAL ISSUE

What the People Want.

This phase of the school question is by far the most important one. While lawyers may enjoy juggling with constitutional quibbles and politicians may seek in every possible manner to secure an advantage of each other by shouting coercion and appealing to sentiment, every sensible, right-thinking citizen will naturally ask himself what it is all about and how it is going to affect him personally. What the people of our province should be interested in and what they are interested in is the nature of the education provided for their children. If this is satisfactory and if there is any reasonable guarantee that it will continue to be satisfactory what possible occasion can there be for the hubbub that is being raised.

In the province of Saskatchewan on Aug. 15, 1905, there were 850 school districts in existence, of which only five are minority districts, three being Roman Catholic and two Protestant. Is it not reasonable that every citizen should seriously ask himself how the existence of these five minority schools affects him? Do they in any way prevent his children from securing the best education the state can provide? To merely ask these questions is to answer them. If the general system provided by the State is satisfactory surely the existence of a few minority schools cannot in any conceivable manner prejudice the educational interests of practically the whole of the people. While this is undoubtedly true, it must be remembered that education is a State function, that it is the duty of the State to see that every child receives the right kind and a proper amount of secular instruction. This being the case it is the privilege, as well as the duty, of every citizen to demand that all schools receiving government aid and supported by taxation are required to provide such instruction. And if it can be shown conclusively that in the case of the five separate schools referred to the class of instruction given is identical in every respect with that given to all other schools, surely there can be no necessity at the present for raising an agitation that apparently has no ultimate object in view so far as the educational welfare of the province and its citizens is concerned.

The Privilege of Separation and its Limitations.

Before proceeding farther, it is advisable to indicate as fully as space will permit the exact nature of the

privilege which is granted by the Autonomy Acts to minorities to organize separate districts, and at the same time to show to what extent this privilege has been taken advantage of. As regards both these matters very erroneous ideas are held by many who have not heretofore interested themselves in the subject. The section in the School Ordinance of 1901, which contains authority for the organization of a separate district is as follows:

Sec. 41. "The minority of the ratepayers in any (school) district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof."

It will be noted that the privilege to establish separate districts is extended to Protestants and Catholics alike and that any such separate district can be organized only "in a district." In other words, a separate school district cannot be formed until a public school district has first been formed and even then the boundaries of the separate district must conform exactly with the boundaries of the public district. It will therefore readily be seen that neither Protestants nor Roman Catholics have the right to establish separate school districts wherever and whenever they please. The first district organized in any community, whether the majority of the people belong to one religious faith or the other, must in all cases be a public school district. After it is established if the minority of the residents, whether Protestant or Roman Catholic, wish to have their own school they may do so but only on the condition that its limits are the same as those of the public district. The practical effects of this legislation must be apparent. As new settlers came to the Territories from time to time, they proceeded with the organization of districts just as soon as they had the requisite number of children. It mattered not what the religious faith of the parents was. What they desired was schools for their children. And in every instance the district first organized was classed as a public school district. There are scores, yes probably hundreds of such districts in the Territories in which the majority of the ratepayers are Roman Catholics. In the others the majority are Protestants. Yet there has been no strife, no agitation no demand to take advantage of the privilege provided by law to organize separate districts. During the past 20 years 1,360 school districts have been erected in the Territories and of this total number only 16 are separate districts, two of which are Protestant. Of these 16 districts, two have never had schools in operation and three have not been in operation for many years. So that as a mater of fact, it may be stated that at the present date there are only eleven separate districts taking advantage of this privilege. Six of these are situated in Alberta and five in Saskatchewan. The following table shows the number of separate school districts established each year since the first school law was passed by the Territorial Assembly.

1884	0	1895	0
1885	1	1896	0
1886	1	1897	0
1887	3	1898	0
1888	1	1899	1
1889	4	1900	1
1890	2	1901	1
1891	0	1902	0
1892	0	1903	0
1893	0	1904	0
1894	1	1905	0
Total			16

It will be noted that of these 16 districts 12 were organized before 1891, the date upon which the control and management of separate districts was taken away from the Roman Catholic Section of the old Board of Education and vested in the Government. It is also worthy of observation that there has practically been no demand for the formation of separate districts in rural communities. Of the 11 separate districts now in operation only 2 are situated in the country, viz., St. Andrew, near Wapella, organized in 1886, and Kolin, near Esterhazy, organized in 1890. It will therefore be seen that from the time the control of our school system was taken over by the Government of the Territories, not one separate district has been organized outside of the villages and towns.

As a further indication of the actual demand for the exercise of this privilege, it may be pointed out that since January 1, 1901, till August 15, 1905, the department of education has organized in the Territories 816 new districts, and that during this period of over four and a half years only two petitions were received for the establishment of separate districts, one from the Roman Catholics at Wetaskiwin, and one from the Protestants at Lemberg. In the latter case, as the Protestants are in the majority, they have not the right to establish a minority school, and consequently they are now sending their children to the public school that was originally formed in a purely Roman Catholic settlement.

Full State Control.

The provisions in the present school law relating to the administration of school affairs is as follows:

Section 3. "There shall be a department of the public service of the Territories (Province of Saskatchewan) called the department of education, over which the member of the executive council appointed by the lieutenant-governor-in-council to discharge the functions of the commissioner of education for the time being shall preside."

Section 4. "The department shall have the control and management of all kindergarten schools, public and separate schools, normal schools, teachers' insti-

tutes and the education of deaf, deaf mutes and blind persons."

These two sections require no explanation, as their meaning and intention are perfectly clear and explicit. Just so soon as a school district is formed—whether public or separate—its control and management come directly under the department of education, which is administered by one of the members of the cabinet.

Let us now see where the authority rests for the character of the instruction that shall be given in all schools. Section 6 of the school ordinances, among other things, provides:

"The commissioner of education, with the approval of the lieutenant-governor-in-council shall have power:

"1. To make regulations of the department (a) for the classification, organization, government, examination and inspection of all schools; (b) for the examination, licensing and grading of teachers.

"2. To authorize text and reference books for the use of pupils and teachers.

"3. To make due provision for the training of teachers."

It will be noted that all these matters come within the jurisdiction of the commissioner of education, and also that he has no authority to make any new regulations, authorize new text books, provide for new courses of study or alter the requirements for the examination, training or licensing of teachers without the approval of the lieutenant-governor-in-council. In other words, any action which he may take in any of these directions must be stamped with the approval of the cabinet, which is directly responsible to the legislature and the people.

Secular and Religious Instruction.

By virtue of the authority thus vested in the commissioner of education, he has authorized a programme of studies which must be taught in all schools. The introductory paragraphs, of this programme, which explain its application and purposes, are as follows:

"This programme is based on a minimum requirement for each standard. It is prescribed by the commissioner of education as a guide in classifying pupils. It may be modified to meet the needs of special schools, but not without the written consent of an inspector who shall forthwith report to the department. The work in each standard includes a review of the essentials in previous standards.

"It shall be the duty of each teacher to make a time-table, based on this programme, and to present it to the inspector at each visit for his approval and signature."

There is no necessity to discuss here the nature of the course of studies prescribed. Whether good or bad, this course must be adopted and rigidly adhered to by all schools, whether public or separate. The teacher's time-table, indicating the exact nature of the work that is taken up during every minute of the school day, must also be submitted to the government inspector for his approval.

As regards the time during which secular instruction, based on this programme, must be given, the law provides that school shall be held between 9 o'clock and 12 o'clock a.m. and 1.30 and 4 o'clock p.m. Then follows clause 137: "No religious instruction except as hereinafter provided, shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the board of trustees may be given. It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's prayer."

While the law contains provision for the teaching of religion, it will be observed that the privilege is permissive, and that it is extended to no particular religious body. Any or every denomination may take advantage of it with the sanction of the trustees. In all cases where religious instruction is arranged for, it must be confined to 30 minutes at the close of the school day, and any parent has the full right to withdraw his child from school while such instruction is being given (clause 138).

Teachers, Text Books and Inspection.

In reference to the qualifications of teachers, section 149 of the school ordinance provides:

"No person shall be engaged, appointed, employed or retained as teacher in any school unless he hold a valid certificate of qualification issued under the regulations of the department."

It has already been shown that these regulations are fixed by the commissioner of education with the approval of his colleagues in the government. Without going into details it may be said briefly that but one standard of qualification exists. All teachers are required to pass the same examinations and take the same normal training. The department never inquires into the nationality nor the religious belief of an applicant, nor does it interest itself in the question as to whether any particular teacher desires to take charge of a public school or separate school.

In the case of text books for use in schools the same general policy has been pursued. Many years ago, when the control and administration of Roman Catholic separate schools was in the hands of the Roman Catholic section of the old board of education two primary Catholic readers for infant classes were adopted for use in these schools. Their use, however, is entirely optional, and it is worthy of observation that they are rarely found in the pupils' hand. With the exception of these two readers all text books authorized for the use of the teachers and pupils are the same for public schools and separate schools. And it should be remembered that as

regards the two books mentioned, the commissioner of education has had authority for years to strike them from the list, had he thought it advisable to do so. If it were thought that any particular harm was being done by continuing the use of these readers the commissioner, even while the autonomy bills were under discussion at Ottawa, had full power to cancel their use.

As regards the inspection of schools, the general policy of the department is well known. All inspectors are appointed by the lieutenant-governor in council. In their work they recognize no classes of schools. They visit and inspect all schools within their jurisdiction, and require them to submit to the same tests, and the same examinations. They expect and insist that separate schools shall provide the same class of instruction as is given in public schools. They require the same methods of teaching to be adopted, and in every instance it is their express duty to see that the provisions of the school law and the regulations of the department are carefully lived up to.

To sum up the essential features of our school system, which has been described above, let us take by way of illustration the two schools situated at Regina, which are typical of the conditions prevailing in all our schools. One of these is a public school, the other a Roman Catholic separate. The latter is in charge of four teachers who have passed the same examinations and taken the same normal training as the teachers in the public school. With the possible exception of the two primary readers above referred to, the text books used are identical with those used in the public school. Until half-past three in the afternoon the same studies are pursued and similar methods of instruction adopted. Both schools are inspected by the same government inspector, and are required to submit to the same tests of examination. In brief it may be said that in every particular these two schools carry on identically the same work. This being the case what possible justification can there be for an agitation to disturb these conditions? Are not the interests of the state and the interests of the children safeguarded in every possible way? It is submitted there can be no two opinions on this point.

A Satisfactory System.

The general question as to whether our present school system is satisfactory has been answered almost unanimously in the affirmative. That the people in the Territories are quite satisfied with it is shown conclusively by the fact that until February last there was practically no demand, no agitation for its improvement. For weeks and months during the last session of Parliament every feature and every detail of our system was scrutinized and discussed by the ablest men in Canada. And what was the result? It was fully recognized and freely acknowledged that the system was the equal of that provided in any other province of Canada.

Numerous references might be made to the opinions of experts respecting the class of instruction provided for and carried on in the schools of the Territories. In England our programme of studies has attracted special attention. Not long ago the editor of the London Journal of Education, in an article on the schools of Greater Britain, said:

"The Northwest Territories have every educational difficulty to contend with. * * * Nevertheless, their programme of studies shows a progressive spirit nowhere excelled. The N.W.T. stands foremost among the colonies, which insist on direct ethical teaching as part of the curriculum."

The Government of Great Britain a few years ago published a synopsis of our educational system, occupying 55 pages in Vol. IV. of its Special Reports. In connection therewith the Director of Special Enquiries and Reports writes:

"May I take this opportunity of saying how warmly interested we are in the educational documents issued for the Northwest Territories of Canada. I have frequently heard them referred to here in terms of the warmest appreciation."

The Commissioner of Education for the United States—probably the foremost educationist on this continent—in review of our sytem recently said: "The Report gives evidence of advanced ideas with reference to the conditions for effective schools."

Dr. Carmichael's View.

Coming nearer home it would be an easy matter to quote the favorable opinion of scores of prominent citizens who are well acquainted with our system from personal observation. For the purposes of this article, however, it will be necessary to refer only to the statements made by three men whose standing and integrity cannot be questioned and whose opinions should have more than ordinary weight.

The Rev. Dr. Carmichael, who lived in the Territories for 12 years as minister of the Presbyterian church at Regina, has a full knowledge of the controversies out of which issued the present system. While a resident of the Territories his work brought him constantly in touch by visits and correspondence with all points in a vast stretch of country, and for the past three years, as superintendent of missions, a great part of his time has been spent in travelling here and there throughout the West. In June of this year Dr. Carmichael, in speaking of our educational system, among other things said:

"I think that the western people are well satisfied with their educational sys-

tem, and indeed if given an opportunity would likely re-enact it. * * * With regard to the present school system of the N. W. T. as a system, I have, however, no doubt. It is an excellent system and splendidly administered. * * *

"At the present time in Canada, and in view of the conscientious scruples of the minority, the ideal system (national schools) would seem unattainable. And if there is to be separation, no system could be devised which would provide so little separation as that now in force in the Northwest. In it separation has reached the vanishing point. No school system allowing of the principles of separation at all could be nearer to the ideal condition. Majority and minority schools are equally state schools. The programme of studies hung up in the school and open to inspection is absolutely the same in both. * * *

"I am of the opinion that under the present system the separate schools are much less objectionable than they might be were the principle of separation removed entirely. * * * A minimum of separation in law, and in fact, is much preferable to a denial of the principle of separation in law with the illegal existence of it in fact. * * *

"The half hour of the day in which religious instruction may be given is a provision that was not demanded by any hierarchy but was suggested and incorporated in the bill by an inspector of schools who was an elder of the Presbyterian church. * * *

"It is difficult to see how the present system could be improved upon; it works splendidly. The people of the west are undoubtedly satisfied with it. While theoretically I would prefer no separation, I do not believe it wise to ride over the wishes of the minority, and I think the ideal condition is much more nearly approached under this system than it would be were the principle of separation denied the minority."

Dr. Herdman's View.

The Rev. Dr. Herdman, who lived in Alberta for twenty years and who is prominently and favorably known as one who has always taken the deepest interest in our educational affairs, has also expressed his views on this subject. While in Calgary last June, where he resided for many years, he gave an interview to one of the city papers, in which he stated:

"Please understand I am not looking on this large subject as a question of politics. I do not even say that I incline politically to the party which your paper represents. If I express my views it is because of the importance of the issue and because we are nearing a crisis.

"My views are that it is not simply a question of what we, who are Protestants, would like to have or see. There are conditions, compacts, historical facts, convictions of fellow-citizens and considerations of harmony in the state to be taken in account. * * *

"Perhaps many of us feel a grudge against the 'dead hand' in politics, and in national records, but in this case let us bear in mind that the 'dead hand' was primarily and properly the hand of the Protestant minority in Quebec which wrote into confederation the Quebec resolution and the educational clauses of the B. N. A. act. Should we forget that confederation itself was brought about by judicious compromise and the safe-guarding of the conscientious convictions of minorities? * * *

"Since the 1875 legislation ordinances and regulations were passed which have resulted in a most excellent school system, national in all its details even in the case of separate schools. * * * The purpose of the amended bill is surely to continue the present state of matters on the same high educational platform. * * * There is no better system of education in the Dominion than here: One standard of training and inspection and text books is what we have with no clerical control to interfere. This system is more uniform and harmonious and unfettered than prevails in many provinces which have no separate schools in name or by law but certainly have them in fact, and often under direct ecclesiastical supervision. * * *

'We cannot all have what we want but it is to be hoped that we will enter on our provincial life with feelings of mutual toleration and friendliness which I think we will do if some members of parliament and some agitators in Ontario will not say too much."

The above declarations have the true ring about them; they bear every evidence of the stamp of sincerity; they plead for peace and toleration; and at the same time they give expression to an honest conviction that the educational interests of our new Provinces will not suffer in the slightest degree by the wise provision which has been made for the continuation of the existing school system.

Mr. Haultain's attitude.

If further proof is required of the practical wisdom on the part of the Federal Parliament in providing for the continuation of the existing school law, it is only necessary to refer to the opinion expressed by Mr. Haultain himself. No one knows better than he how satisfactorily it has worked out. He knows perfectly well that from the standpoint of the welfare of the state, as well as that of the individual, our present system has been so hedged round and fortified by wise restrictions and impartial regulations as to insure that every child in the Province shall have an equal right and an equal opportunity to acquire exactly the same education as every other child. Knowing this, and believing this as he did, it is not strange that a few hours after the Autonomy bills were made public he gave voice to an opinion which he must have known was held almost universally by the people of the Territories. In a lengthy interview, which he gave to the Toronto Globe on February 25, 1905, he stated:

"The present system has been worked out as we found it, and there is no indication that the Provinces would desire to change it. I am satisfied with the way in which it is working out. If I were made dictator to-morrow I would not change it."

PART III.

THE POLITICAL ISSUE

Quite recently both the Liberal and Conservative parties in Alberta and Saskatchewan, met and organized for the Provincial elections, which must be held during the next six months. At each of the conventions held a platform was laid down which embodied the principles and policies of these parties in their respective Provinces. In each of the four platforms will be found a plank relating to common schools or primary education. If these are examined closely there should be no difficulty in ascertaining what the real issue is between the two parties on the school question—provided, of course, each of the parties has given an honest expression of its views and intentions.

In order that the reader may judge for himself the attitude of the two parties, as indicated by the resolutions passed, the "School Plank" in each platform is here set forth.

Saskatchewan School Planks.

Liberal: "That in the opinion of this Convention, it is the duty of the government of the Province, and particularly at this stage of its development to devote its energies and attention to the maintenance and up-building of an efficient system of common schools at the least possible expense to the pioneer settler, and to extend the advantages of this system, as rapidly as conditions will permit, to the children of all classes of the province; that all schools should receive liberal financial assistance from the public revenues; and that every school receiving such assistance and supported by taxation should be subjected to the direct and continued supervision, regulation and control of the Provincial Department of Education."

Conservative: "That the Province should provide, at the smallest possible cost to the individual, an opportunity for every child in the country to obtain a sound primary education in schools controlled and regulated by the Government"; also, "That this Convention is of the opinion that the Legislature at its first session should, by an appeal to the highest court of the Empire, put to the test the constitutionality of those provisions of the Act which restrict the freedom of the Provincial authorities in respect to legislation and the expenditure of Provincial funds in regard to education." (Note:—Only those portions of the resolutions passed which refer to primary education are quoted.)

Alberta School Planks.

Liberal: "That this convention hereby declares its belief that the government of the new Province should maintain an efficient system of common schools in order to meet the wants of the settler, and to extend to the children of all classes of the population an equal opportunity to obtain a good primary education; that this system should receive liberal financial assistance from the public revenues; and that all schools receiving such assistance and supported by taxation should be subject in every particular to the direct and continual supervision, regulation and control of the provincial department of education."

Conservative: "This convention protests against those provisions of the act creating the Province of Alberta, which seek to limit the control of the Province over the subject of education, and thereby forever preclude the possibility of establishing a national system of common schools, and it characterizes the same as a flagrant and unwarranted interference with, and usurpation of the rights of the Province under the constitution. This convention declares for such action as will result in the earliest possible reference of the provisions to the Judicial Committee of the Imperial Privy Council with a view to procuring from the court of last resort in the British Empire a decision as to which, either they are or they are not constitutional and within the power of the Dominion Parliament to enact."

What Each Party Stands For.

Such are the policies of the respective parties. With these planks before him every citizen of the two new Provinces should ask himself—What do they stand for? What is the chief point at issue? Surely there can be only one reply to these questions. The Liberal party in each province stands for Peace and Progress; the Conservative party in each province for Strife and Stagnation. The Liberals believe that the government should devote its energies and attention to the maintenance and upbuilding of an efficient system of schools and to the rapid extension of the advantages of this system to all the children of the province; the Conservatives believe that the government should devote its energies and attention to a vexatious and costly law suit, the inevitable consequences of which would be to divide the people into two hostile camps. The Liberals say they believe we have an excellent system of schools, they believe the great majority of the people are satisfied with it, and they wish to see it continued, extended and improved; the Conservatives do not say that they recognize the present system as being satisfactory, they do not say that this system should be continued, nor do they in their platform advocate the improvement and extension of this system. So far as existing educational conditions are concerned, the Liberals stand for a policy of "activity"; the Conservatives for a policy of "inactivity." The one party pleads for peace and harmony; the other shouts for discontent and strife. With the flaming torch of bigotry and race prejudice in its hand Conservatism threatens to set the heather on fire; with the floating banner of "Good will to all men" at its head, Liberalism

seeks to promote the educational welfare of the people.

The Real Issue.

Now let us view the matter from another standpoint. The Liberals state EXACTLY what they think should be done. They believe the present system is a good one; they stand boldly out for maintaining it; they affirm their conviction that it can be improved and that the energies of the people and government should be exerted in that direction. On the other hand the Conservatives are silent on practically every one of these points. They ask the people of the provinces to endorse a policy of agitation—more than that they ask them to join in the agitation. And for what purpose? Let every citizen ask himself this question. The school planks in the platform of the Conservative parties in Alberta and Saskatchewan do not reveal the purpose, or at least the REAL purpose. Conservative candidates on the stump will not announce what the purpose is. Nevertheless, the object of the Conservative leaders, the Conservative press, and the Conservative party is plainly visible. What is it? What does the Conservative party as a party, seek to do? What does it hope to gain? Surely we need not look far afield to find an answer to these questions. During the next few months we will hear a great deal about "unwarranted interference," "provincial rights," "coercion," and "the constitution," but when all the loud talk and fiery speeches are carefully sifted and the chaff all blown away, it will be found that the Conservative party has but one idea, one set purpose, namely, to use this school question as an issue for Federal Tory party purposes. The Conservative leaders at Ottawa hoped, and still hope, to embarrass the Government of Sir Wilfrid Laurier, and they have pressed into service the Conservative leaders in the Territories. They have argued that if by any means it is possible to get this school question back to Dominion politics, if they can make it an issue in the next Federal elections, there will be some hope of their defeating the present Liberal government. To do this they know they must capture one of the new Provinces and should they do so they will rest content that the necessary steps will be taken, the necessary legislation passed, to create the conditions required to carry a test case to the courts and eventually to the Privy Council. Can any reasonable man question what the effect of such action will be? The people of Canada know too well what was done in the case of Manitoba to get this question into the courts. They know also that for years after it got there there was continuous strife and agitation. They know that the Confederation was shaken to its very foundations, and that had it not been for the wise policy of Sir Wilfrid Laurier the union of the Provinces might have been dissolved. Do the people of Alberta and Saskatchewan wish to see a repetition of those days? Or do they wish to see the government of these Provinces devoting all their time to the many important practical matters of administration which are essential to the prosperity of the people and the development of the country?

Sitting on the Fence.

But the Conservative party may disclaim any intention of disturbing the present school system. If such is the case should not its leaders say so openly and honestly? They cannot take both roads. They should not be allowed to sit on the fence. They either favor the continuation of the existing system or they do not. It is their duty to announce their policy as a party, as was done boldly and candidly by the Conservative association at Edmonton not long ago when it passed a resolution advocating the immediate abolition of separate schools. If the Conservative leaders are not in favor of disturbing existing conditions, if they believe our present school system is satisfactory, why do they not say so? And why should they at this junction in our history insist on an agitation in favor of ascertaining FORTHWITH whether the provinces have the constitutional right to do something which even Mr. Haultain has said he would not do. When the people of this country are asked to favor a nice quiet little appeal to the courts for the mere purpose of determining a constitutional point that may or may not have any practical bearing should they not seriously enquire why they should do so? Then, again, why all this haste? What immediate harm is being done? If the provinces are entitled to certain rights and certain powers which have been withheld from them they are not going to lose these rights and powers if this test case is taken to the courts twenty years from now or a hundred years from now. In the case of Manitoba it will be remembered that it was given its constitution in 1870, and it was not until 1892, twenty-two years afterwards, that the Privy Council decided what the powers of the Manitoba Legislature were in regard to education.

No Clerical Schools.

The last clause in the resolution adopted by the Liberals in each province sets forth their belief in the principle of full departmental control and supervision over all classes of schools. This is exactly what we have and this they believe should be maintained and continued. Under our present school law we have not in any sense clerically controlled separate schools such as they had at one time in Manitoba. The conditions which existed there do not exist here and never can without the sanction and approval of the legislatures and people of this country. The Liberal party, therefore, in the last clause of its school plank declares in favor of the Government through the Department of Education having and retaining full control over the li-

censing and examination of teachers, the selection of text books, the adoption of courses of study, the inspection of schools and other kindred matters.

Mr. Haultain's Attitude.

The following statements made by the leaders of the two parties in Saskatchewan are here given as a further indication of the avowed policies of these parties.

The Winnipeg Telegram of June 12th reports Mr. Haultain as having given utterance to the following words in London on the previous Tuesday:

"Let there be no misunderstanding on this subject. Don't give any credit to men who cry, 'Peace, peace,' for there is no peace, and there will never be peace so long as there is one word of coercion, so long as there is one slightest violation of educational rights in the legislation that is given the provinces. We are resolved to fight the matter to the end. And we will exhaust every constitutional and legitimate purpose. Whatever the result of the fight may be we are resolved to fight it."

A "FIGHTING" speech usually sounds well and takes well. But in this particular instance the good people of London decided by a large majority that Mr. Haultain had no reasonable grounds for a scrap. After listening to all the arguments that could be advanced by both himself and Mr. Bennett, they came to the conclusion that no actual grievance existed.

After the London and North Oxford elections, Mr. Haultain said to a reporter of the Toronto News:

"The people of the East must not think that the fight will be over when the autonomy bills have passed. It will only just be beginning and will probably be fought in such a way that the struggle will not be confined to the Northwest Territories."

What is the only fair inference to be drawn from such a statement? Speaking for himself and for the party he represents what does Mr. Haultain wish to do? Does he wish to confine his harmless test case to the people of the new provinces? Or does he hope that he will probably be able to convulse the whole of Canada in another struggle based on race and religious prejudices and sentiments?

On the following day, Mr. Haultain said to a reporter of the Toronto Mail:

"I said when the question was introduced that no change would be made in the existing school system of the provinces if they were given their rights in that direction. The result might be different now for ultra Protestants might clamor for reform."

Mr. Haultain was evidently in a sulky mood. He had just spent ten days in trying unsuccessfully to defeat the governmental candidates in London and North Oxford; and for the purpose of getting "even" with some one he immediately changes his front.

Why does he say the result might be different NOW? What had the bye-elections to do with the wishes of even the ultra Protestants in the Territories? Is it not likely that he meant to use the words "Ultra Tories" instead of ultra Protestants? And why at this particular time should he as much as intimate that if he were dictator in either of the new provinces he might find it necessary to discontinue the existing system in order to meet a clamor for reform?

Mr. Scott's Attitude.

Now contrast these statements made by Mr. Haultain with the following statement made by Mr. Scott when he accepted the leadership of the Liberal party at the convention held on August 16:

"Let me say a word or two in regard to the issue. Party lines is not the issue—all are not concerned in that, and even Mr. Haultain's past actions are of minor importance. But all are concerned as regards the class of government we are to have in this country. Our first concern is as to the policy to be followed with regard to education, public works, railways and so forth. For the welfare of Saskatchewan we want a wise and vigorous policy towards these ends. But no good results can be expected along these lines if the country is in the throes of sectarian disturbance. What must be ensured above all else are conditions that will permit the prosecution of a progressive and practical policy. Every man knows how helpless governments are when the population is agitated by sentimental questions involving matters of religion or race. * * * *

"All danger from these agitations is not past, however, as was shown during recent months. What did Parliament do in 1905? Although it sat for seven months it practically passed only two bills. * * * The point is this, that if we are going to have any enterprise or progress,—if we are to have government that will give results to the people, let us take care that we do not endanger the work of the government by the uprising again of one of these sectarian questions.

"The issue before the people of Saskatchewan will be whether we are to have a government with a motto of Peace and Progress, or one with test cases, threatening the peace, raising disturbances, and paralyzing all governmental activity. I make the promise that so far as lies in my power, if the people of Saskatchewan support the policy we shall present to them, good government, clean government, honest government, and so far as I have the energy and ability for it progressive government shall be given the people of this province."